

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH**

MEANROTH NY,	)	Case No. 21CV33583
)	
Plaintiff,)	
)	
v.	)	SUMMONS
)	
EQUIFAX INFORMATION SERVICES,)	
LLC, a foreign company;)	
)	
Defendant.)	
)	
)	
)	
)	
)	

To: Equifax Information Services, LLC c/o Corporation Service Company, Registered Agent,
1127 Broadway Street NE, Suite 310, Salem, OR 97301.

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a judgment for reasonable attorney fees may be entered against you, as provided by the agreement to which defendant alleges you are a party.

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 in the Portland metropolitan area or toll free elsewhere in Oregon at (800) 452-7636.

DATED this 9th day of September, 2021.



Justin M. Baxter, OSB No. 992178
Baxter & Baxter, LLP
8835 SW Canyon Lane, Suite 130
Portland, OR 97225
(503) 297-9031

STATE OF OREGON)
) ss.
County of Washington)

I, the undersigned attorney of record for the plaintiff(s), certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.

DATED this 9th day of September, 2021.

Justin M. Baxter, OSB No. 992178
Baxter & Baxter, LLP
8835 SW Canyon Lane, Suite 130
Portland, OR 97225
(503) 297-9031

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint, request for production and request for admissions mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service upon a separate document which you shall attach hereto.

DATED this 9th day of September, 2021.



Justin M. Baxter, OSB No. 992178
Baxter & Baxter, LLP
8835 SW Canyon Lane, Suite 130
Portland, OR 97225
(503) 297-9031

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21CV33583

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

MEANROTH NY,	)	Case No.
)	
Plaintiff,	)	COMPLAINT AND DEMAND FOR JURY
	)	TRIAL
v.)	
	)	Fair Credit Reporting Act 15 U.S.C. § 1681
EQUIFAX INFORMATION	)	<i>et. seq.</i>
SERVICES, LLC,)	
	)	DAMAGES: \$999,999.00
Defendant.)	
	)	CLAIM NOT SUBJEDCT TO
	)	MANDATORY ARBITRATION
)	
	)	Jury Trial Requested

Plaintiff Meanroth Ny states his claims as follows:

1.

Plaintiff Meanroth Ny ("Plaintiff") is a natural person residing in Oregon. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1681a.

2.

Defendant Equifax Information Services, LLC ("Defendant" or "Equifax") is a foreign limited liability company engaged in substantial and not isolated activities within this state. Defendant is a "consumer reporting agency" as defined by 15 U.S.C. § 1681a.

3.

In Summer 2020, Plaintiff attempted to obtain a mortgage. The credit report showed Equifax

1 reporting Plaintiff's brother, Meanrith Ny's, identifying information and derogatory accounts.
2 Plaintiff called Equifax and disputed his brother's false information. Equifax requested identifying
3 information from Plaintiff and indicated Plaintiff should follow up after it responded. Plaintiff
4 provided that information. Equifax responded by sending Plaintiff a letter stating it was unable to
5 locate Plaintiff's credit file. Plaintiff was unable to obtain the mortgage.

6
7 4.

8 On or about January 2021, Plaintiff attempted to obtain a mortgage with a different
9 mortgage broker. The credit report showed Equifax reporting Plaintiff's brother, Meanrith Ny's,
10 identifying information and derogatory accounts. Plaintiff called Equifax again and disputed his
11 brother's false information. Equifax again requested identifying information from Plaintiff and
12 indicated Plaintiff should follow up after it responded. Plaintiff again provided that information.
13 Equifax responded by sending Plaintiff another letter stating it was unable to locate Plaintiff's credit
14 file. On or about March 2021, Plaintiff called Equifax trying to correct his credit report. Plaintiff
15 mailed Equifax copies of his (and his brother's) driver's licenses, Social Security cards and a letter
16 from plaintiff's bank that showed his lines of credit to unmerge his file from his brother's. Equifax
17 indicated Plaintiff should wait for a call back from them within 30 days and to call back if he did
18 not hear from Equifax. Plaintiff called Equifax to follow up, was transferred three times and waited
19 on hold for over an hour, and was then told no progress had been made. Plaintiff was unable to
20 obtain the mortgage.

21
22 5.

23 On or about May, 2021, Plaintiff called Equifax again and disputed his brother's false
24 information. Equifax again requested identifying information from Plaintiff and indicated Plaintiff
25 should follow up after it responded. Plaintiff again provided that information. Plaintiff was denied

1 for a \$3,000 loan with OnPoint Community Credit Union based on Equifax's false reporting.
2 Plaintiff was also denied a personal loan through Wells Fargo based on Equifax's false reporting.
3 Equifax responded by sending Plaintiff another letter stating it was unable to locate Plaintiff's credit
4 file.

5 **CLAIMS FOR RELIEF**

6 **First Claim for Relief**

7 **Negligent Violation of the Fair Credit Reporting Act**

8 15 U.S.C. § 1681o

9 6.

10 Plaintiff re-alleges and incorporates paragraphs 1 through 5.

11 7.

12 Equifax negligently failed to comply with the requirements imposed under the FCRA,
13 including but not limited to:

- 14 a) failing to follow reasonable procedures to assure maximum possible accuracy of the
15 information in consumer reports, as required by 15 U.S.C. §1681e(b); and
16 b) failing to comply with the reinvestigation requirements in 15 U.S.C. §1681i.

17 8.

18 As a result of Equifax's violations of the FCRA, plaintiff has suffered, continues to suffer
19 and will suffer future damages, including denial of credit, lost opportunity to receive credit, damage
20 to reputation, invasion of privacy, worry, distress, frustration, embarrassment, and humiliation, all to
21 his damages, in an amount to be determined by the jury. Plaintiff is entitled to actual damages in an
22 amount not to exceed \$999,999.
23
24

9.

Plaintiff is entitled to reasonable attorney fees, pursuant to 15 U.S.C. § 1681o(a).

Second Claim for Relief

Willful Violation of the Fair Credit Reporting Act

15 U.S.C. § 1681n

10.

Plaintiff re-alleges and incorporates paragraphs 1 through 5.

11.

Equifax willfully failed to comply with the requirements imposed under the FCRA, including but not limited to:

- a) failing to follow reasonable procedures to assure maximum possible accuracy of the information in consumer reports, as required by 15 U.S.C. §1681e(b); and
- b) failing to comply with the reinvestigation requirements in 15 U.S.C. §1681i.

12.

As a result of Equifax's violations of the FCRA, plaintiff has suffered, continues to suffer and will suffer future damages, including denial of credit, lost opportunity to receive credit, damage to reputation, invasion of privacy, worry, distress, frustration, embarrassment, and humiliation, all to her damages, in an amount to be determined by the jury. Plaintiff is entitled to actual damages in an amount not to exceed \$999,999.

13.

Plaintiff intends to seek leave to amend and request punitive damages.

14.

Plaintiff is entitled to reasonable attorney fees, pursuant to 15 U.S.C. § 1681n(a).

JURY TRIAL DEMAND

Plaintiff is entitled to and so respectfully demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Meanroth Ny prays for a judgment against Defendant Equifax Information Services, LLC, as follows:

1. On Plaintiff's First Claim for Relief:

A. Actual damages;

B. Attorney fees and costs;

2. On Plaintiff's Second Claim for Relief:

A. Actual damages;

B. Punitive damages;

C. Attorney fees and costs.

3. On Plaintiff's First and Second Claims for Relief, post-judgment interest at a rate of 9%.

DATED this 20th day of August, 2021.

s/ Justin M. Baxter

Justin M. Baxter, OSB No. 992178
Kachelle A. Baxter, OSB No. 120659
Baxter & Baxter, LLP
Attorneys for Plaintiff Meanroth Ny

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

MEANROTH NY,

Plaintiff,

vs.

EQUIFAX INFORMATION SERVICES,
LLC,

Defendant.

No. 21CV33583

**NOTICE OF FILING OF NOTICE
OF REMOVAL TO FEDERAL
COURT**

PLEASE TAKE NOTICE that on October 8, 2021, pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, undersigned counsel for defendant Equifax Information Services, LLC (“defendant or “Equifax”), filed with the Clerk of the United States District Court for the District of Oregon, Portland Division, a Notice of Removal in the above-captioned action. Attached as Exhibit A is a true and correct copy of the Notice of Removal of this action.

PLEASE TAKE FURTHER NOTICE that, pursuant to 28 U.S.C. § 1446, the filing of the Notice of Removal in the United States District Court for the District of Oregon, Portland Division, together with the filing of a copy of the Notice of Removal with this Court, effects the removal of this action, and this Court may proceed no further unless and until the action is remanded.

DATED this 8th day of October, 2021.

MARKOWITZ HERBOLD PC

By: *s/ Jeffrey M. Edelson*

Jeffrey M. Edelson, OSB #880407
JeffEdelson@MarkowitzHerbold.com
Of Attorneys for Defendant

1198381

ATTORNEY CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2021, I have made service of the foregoing **NOTICE OF FILING OF NOTICE OF REMOVAL TO FEDERAL COURT** on the parties listed below in the manner indicated:

Justin M. Baxter
Kachelle A. Baxter
Baxter & Baxter, LLP
8835 SW Canyon Lane, Suite 130
Portland, OR 97225

- ☐ U.S. Mail
- ☐ Facsimile
- ☐ Hand Delivery
- ☐ Overnight Courier
- ☒ Email: justin@baxterlaw.com;
kachelle@baxterlaw.com
- ☒ Odyssey File & Serve™

DATED this 8th day of October, 2021.

s/ Jeffrey M. Edelson

Jeffrey M. Edelson, OSB #880407
Attorney for Defendant